



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,686	04/15/2004	Jean-Marie Gatto	CYBS5921	9594

22430 7590 11/13/2006

YOUNG LAW FIRM, P.C.
ALAN W. YOUNG
4370 ALPINE ROAD
SUITE 106
PORTOLA VALLEY, CA 94028

EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,686

Applicant(s)

GATTO ET AL.

Examiner

Robert Mosser

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 and 33-45 is/are allowed.
- 6) ☒ Claim(s) 26-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/04, 9/04, 5/05, 9/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **26-32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically claim **26** refers to a "**moneyless** payment method" while in the same claim referring to the crediting of a player instruments with funds deposited by the player. The common meaning of the term "moneyless" is the absence of money yet the claim further defines the presented method to include money and hence contradicts the presented preamble. For the purposes of examination this term has been understood as intended to encompass a "**cashless** payment method" as set forth by at least claims **1** through **25** and **33** through **45** of this application.

Claims **27** through **32** that depend from claim **26** fail to correct the contradiction of claim **26** and accordingly inherit the deficiencies of claim **26**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **26-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 7,086,947) in view of Nguyen (US 6,905,411).

Walker teaches a cashless payment system for a network connected to a gaming system including:

Issuing a ticket (*Walker* Col 6:41-55) in exchange for a player deposited funds (*Walker* Col 1:44-49; 4:42-56);

The ticket including a preprinted security account tracking number (*Walker* Fig 4a, 5b, & Elm 562) selected from a group of sequential numbers (*Walker* Fig 5b, & Elm 562);

The ticket further including a date stamp (time stamp) indicating when the ticket was issued (*Walker* Fig 5, & Elm 560);

The ticket further including a monetary balance equal to the initial player deposit of funds (*Walker* Elm 566);

A gaming terminal including a keypad and touch screen player interface devices (*Walker* Col 11:38-48);

The presentation of the ticket to the gaming terminal in exchange for a balance of credit (*Walker* Figure 7 & Elm 725);

Allowing wagering on the gaming terminal while the balance remains positive and updating the balance in accordance with game play (*Walker* Figure 7 & Elm 725); and

Enabling the player to cash out of the gaming terminal and continue play provided that the ticket utilized by the player is a valid ticket associated with a valid account (*Walker* Figure 7).

Walker is silent regarding the use of an identification code or alternatively described password that may be entered and/or set by the player through a gaming machine input device in combination with a cashless payment system, however Nguyen teaches these feature in a related cashless gaming system (*Nguyen* Col 2:14-27) operable with a player tracking system (*Nguyen* Col 3:58-63) such as the one taught by Walker (*Walker* Col 11:34-38). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the use of a player settable password with the ticket device and tracking system of Walker in order to prevent fraudulent use of the ticket and the funds associated therewith by a party other than the player.

Allowable Subject Matter

Claims 1 through 25, and 33 through 45 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not reasonably teach alone or in combination the

use a two-level limited lifetime wagering device wherein the wager devices may exceed one level of the two-level limited lifetimes and be reactivated by the player through the use of an automated kiosk/re-activation station. The closest art of record Walker et al (US7,086,947) teaches the use of multi-level limited lifetime wagering devices however is silent regarding the resetting of a limited lifetime through the presentation of the device at a re-activation station.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al (US 2001/0012796) teaches a method and apparatus for expiration of prepaid slot machine plays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

REM

A handwritten signature in black ink, appearing to read 'MS', with a stylized flourish extending from the end.

MARK SAGER
PRIMARY EXAMINER